

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KRZYSZTOF F. WOLINSKI,

Plaintiff,

v.

ADBULBASSET ADBULGADER et al.,

Defendants.

No. 2:21-cv-02078-DJC-CKD P

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On March 6, 2023, the Magistrate Judge filed findings and recommendations herein which were served on Plaintiff and which contained notice to Plaintiff that any objections to the findings and recommendations were to be filed within fourteen days. Plaintiff has filed objections to the findings and recommendations indicating that he agrees to file a new lawsuit against the defendants employed at the California Medical Facility ("CMF") as recommended by the Magistrate Judge. ECF No. 33 at 4.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the findings and recommendations to be

1 supported by the record and by proper analysis.

2 Accordingly, IT IS HEREBY ORDERED that:

3 1. The findings and recommendations filed March 6, 2023, are adopted in full;
4 2. This case is allowed to proceed only as to defendants Abdulgader and
5 Williams based on the retaliation and deliberate indifference claims alleged in the first
6 amended complaint;

7 3. Defendants Burton, Weinholdt, and Petersen are dismissed without further
8 leave to amend for failing to state a claim upon which relief may be granted; and
9 4. Defendants Osmon, Benavidez, Tran, Montgomery, Singh, Butterfield, and
10 Macato are dismissed without prejudice to filing a separate civil action because they
11 are improperly joined to the present suit.

12 5. The Clerk of Court shall terminate defendants Burton, Weinholdt, Petersen,
13 Osmon, Benavidez, Tran, Montgomery, Singh, Butterfield, and Macato from the
14 docket in this action.

15
16 IT IS SO ORDERED.
17

18 Dated: May 11, 2023


Hon. Daniel J. Calabretta
UNITED STATES DISTRICT JUDGE

25 12/woli2078.804
26
27
28